

REMARKS/ARGUMENTS

This amendment is filed in response to the Office Action mailed January 4, 2007. Following entry of this Response, claims 1-6 shall be pending for examination.

In the Office Action, claims 1-6 have been rejected based on prior art grounds. The applicant hereby requests reconsideration of the currently pending claims in view of the amendments and remarks set forth below.

I. RESTRICTION/ELECTION REQUIREMENT

The Examiner has requested an election of Group I, II or III of the present invention. Additionally, the Examiner has requested an election of either Species 1, 2, 3, 4 or 5 in conjunction with the elected Group. As pointed out by the Examiner, a provisional election was made without traverse to prosecute the invention of Group I directed towards claims 1-6 during a telephone interview with David McKinley on December 19, 2006. The Examiner is requiring an affirmation of this election in replying to this Office Action.

Accordingly, Applicants hereby elect Group I directed to claims 1-6 of the present application. Additionally, Applicants elect Species I directed to Figures 4 and 8 (barbs attached to downstream/upstream side) with traverse. The Applicants do not concede that the "species" as grouped and identified in the Office Action are patentably distinct from one another. Claims 1-6 are patentable, according to the arguments set forth herein, and are generic to all of the listed species. For example, claim 1 recites a method of reinforcing a native valve comprising attaching a reinforcing support to at least one valve leaflet (all of the identified species are attachable to leaflets), said support allowing a free edge of the at least one valve leaflet to form a seal with free edges of adjacent leaflets during a diastole (all species allow this). As such, Applicants traverse the restriction and respectfully request that the Examiner reconsider.

II. REJECTIONS UNDER 35 USC 102(B) AS BEING ANTICIPATED BY U.S. PATENT No. 6,083,219 LAUFER

Claims 1-6 were rejected under 35 U.S.C. 102(b) as being anticipated by *Laufer*. The Examiner asserts that *Laufer* discloses the presently claimed method “comprising attaching a reinforcing support 26, 28 to at least one valve leaflet...and said support allowing at least one free edge of the at least one valve leaflet to form a seal with free edges of adjacent leaflets during diastole (Figures 3-5, col. 2, lines 35-62 and col. 5, lines 8-27).” Applicants strongly disagree.

Laufer does not disclose attaching a reinforcing support to at least one valve leaflet as presently claimed. Rather, *Laufer* discloses reshaping native leaflets using plates which impart heat and/or pressure to the surface of the leaflet. It is immediately apparent upon even a cursory review of *Laufer* that these plates are never attached to the leaflet and are therefore not reinforcing supports.

That the *Laufer* plates are not intended as supports is evidenced by Figure 4, which shows that the top and bottom plates and the support rod are positioned at and about the edges of the leaflet, such that the edges of the leaflet are completely surrounded. Hence, if the *Laufer* plates were said to be supports, they would not only render the leaflets completely inoperable, they would prevent the leaflets from forming “a seal with free edges of adjacent leaflets during diastole” as presently claimed.

For at least these reasons, Applicants submit that *Laufer* does not anticipate the presently claimed invention. As such, withdrawal of the present rejection and an indication of allowability of claim 1 are respectfully requested.

Further, dependent claims 2-6 depend from allowable claim 1 and are allowable for at least the same reasons. However, these claims further define and describe the present invention and are patentable over and above amended claim 1. Therefore, claims 2-6 are also allowable and thus withdrawal of the present rejection and an indication of allowability of claims 2-6 are also respectfully requested.

CONCLUSION


In view of the foregoing, it is demonstrated that none of the prior art cited renders obvious, alone or in combination, currently pending claims 1-6. Thus, it is respectfully requested that the Examiner withdraw all of the rejections and issue a Notice of Allowance of all claims.

If for any reason direct communication with Applicant's attorney would serve to advance prosecution of this case to finality, the Examiner is cordially urged to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-2809.

Respectfully submitted,

Dated: May 25, 2007



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